

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

MAY 10 2017

**U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAMANTHA L. RIVERA,

Defendant.

4:17CR208 HEA/NAB

INDICTMENT

The Grand Jury charges that:

BACKGROUND

1. At all times relevant to this indictment, defendant Samantha L. Rivera was a resident of St. Louis City, Missouri. In the past, the defendant was a resident of New Mexico and currently is a resident of Illinois.

2. The defendant has never been licensed as a registered nurse (RN) in any state and never graduated from nursing school. Nor has she received any certifications in advanced cardiac life support (ACLS) or pediatric advanced life support (PALS).

Relevant Medicare Regulations

3. The Medicare Program is a federal health benefits program for the elderly, disabled, and ESRD (end stage renal disease) patients. In general, Part B of the Medicare Program authorizes payment of federal funds for outpatient services, while Medicare Part A authorizes payment for skilled nursing facilities and inpatient care in hospitals, including care in intensive care and psychiatric units. Wisconsin Physician Services (WPS) is the Medicare contractor responsible for receiving, reviewing, and paying claims for physician and hospital

services in Missouri.

4. Medicare providers must retain clinical records for the period required by state law or five years from the date of discharge if there is no requirement in the state law. Missouri statutes require health care providers to maintain patient records for a minimum of seven years from the date of the last professional services.

5. St. Alexius Hospital, located in St. Louis City, is a Medicare provider that submits Part A reimbursement claims to WPS for payment. The claims are substantially based on the services provided by health care professionals, including nurses. St. Alexius utilizes its electronic medical records system to document the services provided and the name of the persons providing the services to its patients.

State Licensing of Nurses

6. The Missouri Division of Professional Registration, Missouri State Board of Nursing, is responsible for the licensure and regulation of registered nurses and other specified health care professionals, the investigation of complaints, and the discipline of individuals practicing in the field. In Missouri, it is illegal to impersonate or falsely represent that one is a nurse. The defendant has never received a nursing license in Missouri.

7. The New Mexico Board of Nursing is responsible for the licensure and regulation of registered nurses and other specified health care professionals, the investigation of complaints, and the discipline of individuals practicing in the field. The defendant has never received a nursing license in New Mexico.

8. At all times relevant to this indictment, Samantha A. Chavez was a registered nurse, who was licensed by the state of New Mexico. Samantha A. Chavez's

license number is 74156, with an expiration date of September 2017. At the time of the offenses alleged in this indictment, Samantha A. Chavez lived in Albuquerque, New Mexico.

COUNT 1
HEALTH CARE FRAUD
Title 18, United States Code Section 1347(a)(1) and Section 2

9. Paragraphs 1- 8 are re-alleged and incorporated by reference, as if fully set out herein.

10. Beginning in or about 2015, and continuing through in or about April 2017, the defendant knowingly and willfully executed and attempted to execute a scheme and artifice to defraud a health care benefit program, in connection with the delivery of or payment for health care benefits, items, or services as described below.

11. In or about June 2015, the defendant applied to Brown Mackie College in Albuquerque, New Mexico. In her resume and interview, the defendant stated that she had a master's degree in nursing from Georgetown University and had previously taught a pediatric nursing course at the University of New Mexico. Neither of these statements was true. On or about September 8, 2015, Brown Mackie hired the defendant as a full time instructor in the college of applied science in nursing and agreed to pay her \$80,000 a year. The defendant held this position until December 2015.

12. On or about September 13, 2016, the defendant completed an employment application with ATC Healthcare Services (ATC). ATC provides health care professionals to hospitals and other health care facilities, where they generally work as contract employees. In the ATC application, the defendant indicated that she had used the name "Rivera-Chavez" in the

past. The defendant further represented that she was a registered nurse and produced the New Mexico nursing license of Samantha Chavez.

13. In the ATC application, the defendant falsely stated that she had worked as a per diem registered nurse at the University of New Mexico Hospital from November to July 2015. Under the section for education, the defendant falsely stated that she had received her Bachelor of Science in nursing from the University of New Mexico, Albuquerque. Lastly, the defendant signed the acknowledgment and authorization section, which included the statement: "I represent the information provided in this employment application is true and complete."

14. Based on the defendant's representations, ATC arranged for the defendant to work as a registered nurse at St. Alexius Hospital in St. Louis City. The defendant was assigned to the Intensive Care Unit (ICU) and Geropsych Unit. In those units, the defendant was responsible for assessing patients, identifying changes in patients' conditions, performing medical treatments, and administering medications, including controlled substances. The defendant worked at St. Alexius from November 28, 2016 to February 23, 2017.

15. While at St. Alexius Hospital, the defendant identified herself as "Rivera-Chavez." St. Alexius Hospital entered the defendant as "Rivera-Chavez" into their electronic medical record system and the automated medication administration system. The defendant's employment at St. Alexius ended on or about February 23, 2017 when St. Alexius did not extend her 3-month contract.

16. Shortly thereafter, on or about March 2, 2017, the defendant completed an employment application with Alternate Nurse Staffing Solutions (ANS) in Chicago, Illinois. She again used the name "Rivera-Chavez" and presented the New Mexico nursing license number of Samantha Chavez.

17. As part of the ANS application, the defendant completed a request for verification of education, which was sent to the University of New Mexico at Albuquerque. On the verification form, the defendant listed her name as "S. Rivera-Chavez," her real Social Security number, and dates of attendance from August 2007 to June 2011. On March 9, 2017, The University of New Mexico responded, stating no one with that Social Security number received any degree from the university.

18. In applying for at least two positions as a registered nurse, the defendant listed the University of New Mexico Hospital as a former employer. The defendant also falsely stated in applications that she had worked as an emergency room nurse in a level one trauma center. On or about March 9, 2017, the University of New Mexico Hospitals verified that the defendant had never been employed there.

19. On or about February 16, 2017, within the Eastern District of Missouri,

SAMANTHA L. RIVERA,

the defendant herein, knowingly and willfully executed and attempted to execute, the above described scheme and artifice to defraud a health care benefit program, in connection with the delivery and payment for health care benefits, items, and services, that is, the defendant, posing as Samantha Rivera-Chavez, utilized St. Alexius's electronic medical record system to complete a "Daily Focus Assessment Report" for Medicare patient C.C. and on the same day dispensed controlled substance medications to patient C.C.

All in violation of Title 18, United States Code, Section 1347(a)(1) and Section 2.

COUNT 2

IDENTITY THEFT

Title 18, United States Code, Section 1028 (a)(7) and Section 2

20. Paragraphs 1-8 and 11-18 are re-alleged and incorporated by reference, as if fully

set out herein.

21. On or about February 16, 2017, within the Eastern District of Missouri,

SAMANTHA L. RIVERA,

the defendant herein, did knowingly possess, and use, without lawful authority, a means of identification of another person with the intent to commit a violation of Federal law, to wit, the defendant used the name and New Mexico nursing license number 74156, knowing that the means of identification belonged to another actual person, to obtain employment as a licensed registered nurse at St. Alexius Hospital and to provide services to Medicare patient C.C.

All in violation of Title 18, United States Code, Sections 1028(a)(7) and 2.

A TRUE BILL.

FOREPERSON

CARRIE COSTANTIN
Acting United States Attorney

DOROTHY L. McMURTRY, #37727MO
Assistant United States Attorney